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ROSTER OF JUDGES OF THE SUPREME COURT OF APPEALS OF VIRGINIA, 1779-1919.*

I was lately asked by the Court to arrange, in such order and symmetry as I could, the portraits of the judges in the court room. It was no easy task, because so few of the judges are represented by portraits.

Of course the ideal plan would have been to group them in courts, but only one court was complete, and that more than complete, so that six judges had to be placed in one group, consisting of Judges Moncure, Christian, Anderson, Staples, Bouldin and E. C. Burks. It is a very striking group of fine-looking men.

As to the groups, chronology had to be my only guide, and doubtless some will find fault with my chronology as there were unavoidable breaks in it for lack of proper portraits.

It will be agreed that Edmund Pendleton is *facile princeps* in the long array of Eminences, and he is the chronological starting point. Around his portrait are grouped those of Judges Roane, Brooke, Lyons and Cabell.

Another group is composed of portraits of Judges Brockenbrough, Baldwin, Allen, Samuels and Robertson. Another, of those of Judges Lewis, Lacy and Fauntleroy.

The portraits of Judges Keith and Riely are immediately behind and above the bench—facing the bar. These are all the portraits in the court room of judges of the Court of Appeals. There is a handsome marble bust of Judge Stanard, and a plaster bust of Judge Joynes, which have been appropriately placed, and a duplicate bust of Judge Stanard has been placed in the Conference-Room.

Another group of portraits of five judges—never members of this court—Upshur, Lomax, Clopton, John B. Christian and Nash—has been placed to the right of the bench. I begged permission to place them on the walls of the library, but permission was not granted.

In preparing the roster I have inserted notes when deemed necessary, and, omitting deaths, have indicated resignations by

*Prepared by W. W. Scott, State Law Librarian.

R. as shown by the Reporter. If any judge became president of the court at any time, however short, it is indicated by a P. after his name.

Judge Tucker's name is repeated because he resigned, and afterwards again became a member of the court.

If I have fallen into any errors in the roster, I hope members of the bar will enable me to correct them for, in a sense, it is a historical roster.

The dates in the Reporters are very conflicting and confusing: thus the first case in 4 Call is dated August, 1779—which is the “First Case of the Judges,” and shows the organization of the Court on that day. Yet in 2 Va. Cases, wherein is published a list of the judges of the court, and the dates of their appointments, Edmund Pendleton, and Judges Blair, Lyons, Carrington and Fleming, are all listed as having been “appointed” Dec. 24, 1788.

It is not for me to attempt an explanation. I have followed Call in the main, and for the roster herewith—the ancient part of it—I refer the reader to the two cases reported in 4 Call, on pages 1 and 135.

The judges of the General Court from 1778 to 1826—of whom Joseph Prentiss, ancestor of the present Judge Prentiss, was one—are named, with dates of their appointments in 2 Va. Cases, as are also the judges of the Admiralty Court from 1776 to 1785; of the High Court of Chancery from 1778; of the District Courts of Chancery, and of the Supreme Court of Appeals from 1788 to 1824. There are many illustrious names among them.

ROSTER.

Edmund Pendleton, P.

George Wythe.

Robert C. Nicholas.

John Blair.

Paul Carrington.

Peter Lyons, P.

William Fleming, P.

Bartholomew Dandridge.

James Mercer.

Henry Tazewell.
 Benjamin Waller.
 Wm. Roscoe Curle.
 Richard Carey.
 James Henry.
 John Tyler.
 Richard Parker.
 Spencer Roane.
 St. George Tucker (¹).
 Francis T. Brooke, P.
 Dabney Carr, *Vice* Fleming.
 Wm. H. Cabell, P.
 John Coalter.
 John W. Green, *Vice* Roane.
 St. George Tucker, P (²).
 Wm. Brockenbrough, *Vice* Green.
 R. H. Parker, *Vice* Carr.
 Robert Stanard, *Vice* Brockenbrough.
 John J. Allen, P., *Vice* Parker.
 Briscoe G. Baldwin, *Vice* Tucken
 Wm. Daniel, Jr., *Vice* Stanard.
 R. C. L. Moncure, P., *Vice* Brooke.
 George H. Lee.
 Green B. Samuels (³).

1. My authority for this list to this point is 4 Call, and Call's authority seems to be "The Judges' Cases," reported on pages 1 and 135. The period embraced is from 1779-1803. It was "news" to me, and to every lawyer whose attention has been called to it, that the "great Chancellor," Wythe, was ever a member of this court, and this is true as to sundry other names on the list. It seems that they were members *ex officio*, by virtue of other judicial positions held by them. See Virginia Acts, May 1779—for constituting a Court of Appeals. Short biographical sketches of each are published in 4 Call.

Judge Blair was appointed to the U. S. Supreme Court in 1789, and Tazewell elected U. S. Senator in 1794, both resigning from this court. Judge Tucker resigned in 1811 and was succeeded by Coalter. He was again a member of the court in 1831, and P.

2. Judges Tucker, Brooke, Cabell, Carr and Green, all elected under new constitution of 1829-30.

3. Judges Allen, Daniel, Moncure, Lee and Samuels elected by people under constitution of 1851.

Wm. J. Robertson, *Vice* Samuels.
Wm. T. Joynes.
Lucas P. Thompson.
Alexander Rives, *Vice* Thompson (4).
Joseph Christian.
Waller R. Staples.
F. T. Anderson.
Wood Bouldin, *Vice* Joynes, R.
E. C. Burks, *Vice* Bouldin.
L. L. Lewis, P., *Vice* Moncure (5).
Benjamin W. Lacy.
T. T. Fauntleroy.
R. A. Richardson.
Drury A. Hinton.
James Keith, P.
John W. Riely.
John A. Buchanan.
R. H. Cardwell, P.
Geo. M. Harrison, P.
Archer A. Phlegar, *Vice* Riely (6).
Stafford G. Whittle, P.
Joseph L. Kelly, *Vice* Buchanan, R.
F. W. Sims, *Vice* Keith, R.
R. R. Prentiss, *Vice* Cardwell, R.
M. P. Burks, *Vice* Harrison, R.

4. Judge Thompson died before qualifying.

In 19 Grattan appears a "Military Court of Appeals"—*inter arma leges silent*. I prefer to put the names of this bench in a note; not in a regular roster of Virginia judges. They were Burnham, Dorman and Willoughby.

5. With 76 Va. comes what is known as the "Readjuster Court." Judge Lewis was chosen president. It lasted until 91 Va.

6. Judge Phlegar, appointed by the Governor to fill an unexpired term. Judge Whittle, elected by Legislature to succeed Judge Riely.